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J. MICHAEL NEARY
542 SW 298TH STREET
FEDERAL WAY, WA 98023

In re Application of
Christopher W. Gabrys, et al.
Application No. 09/630,157
Filed: July 31, 2000
For: FLYWHEEL HUB-TO-RIM COUPLING

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is a decision on the applicants' petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO), on October 14, 2003 and supplemented on February 24, 2004.. The delay in deciding this petition is sincerely regretted.

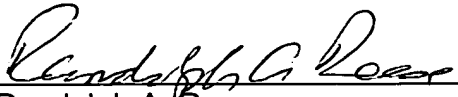
The petition is **GRANTED**.

A review of the file record reveals that a Final rejection was mailed to applicants on June 7, 2002. A Notice of Appeal accompanied by a request for a two month extension of time under 37 CFR 1.136(a) and a Request for Reconsideration was received in the United States Patent and Trademark Office (USPTO) on November 7, 2002. An Advisory action was subsequently mailed to applicants on December 6, 2002 acknowledging receipt of the Notice of Appeal and notifying applicants of the time period for filing an Appeal Brief. An Appeal Brief was timely received on January 13, 2003 with a certificate of mailing dated January 7, 2003. Filed with the Brief was an amendment, which was not entered, for the reasons explained in a subsequent Advisory Action mailed on March 7, 2003. The application was held abandoned for failure to timely file a response to the letter mailed March 7, 2003 (not March 2, as indicated in the Notice of Abandonment) and a Notice to that effect was mailed September 24, 2003.

Applicants submit the application should not have been held abandoned because, although the amendment accompanying the Appeal Brief was considered, no action was taken by the examiner on the Appeal Brief timely filed on January 13, 2003.

The Notice of Abandonment was mailed in error. Applicants submitted a Notice of Appeal and Appeal Brief in a timely manner. The fact that the examiner chose not to enter the amendment submitted concurrently with the Appeal Brief does not change the status of the application.

The application will be forwarded to the Supervisory Legal Instruments Examiner to withdraw the abandonment and restore the application to pending status, before being returned to the examiner for consideration of the timely filed Appeal Brief.

A handwritten signature in cursive script, appearing to read "Randolph A. Reese", is written over a horizontal line.

Randolph A. Reese
Special Program Examiner
Patent Technology Center 3600
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RAR/cps: 5/19/04